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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,364	05/15/2006	Athanassios Tzikas	4-22983/A/PCT	1722
324	7590	09/10/2008	EXAMINER	
JoAnn Villamizar Ciba Corporation/Patent Department 540 White Plains Road P.O. Box 2005 Tarrytown, NY 10591				KLEMANSKI, HELENE G
ART UNIT		PAPER NUMBER		
1793			MAIL DATE	
			09/10/2008	DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,364	TZIKAS ET AL.	
	Examiner	Art Unit	
	Helene Klemanski	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/18/06</u> . | 6) <input type="checkbox"/> Other: ____ . |

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the Search Report dated August 3, 2005 have been considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

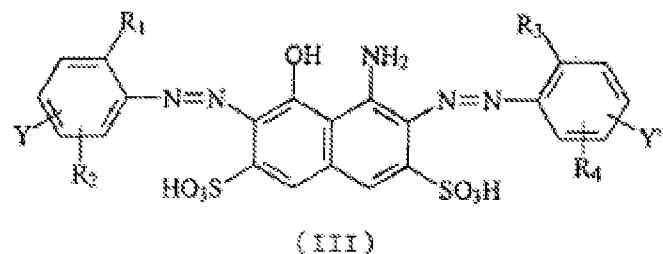
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

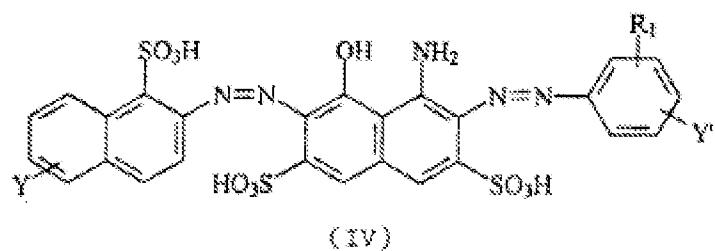
3. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/43455.

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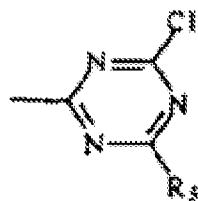
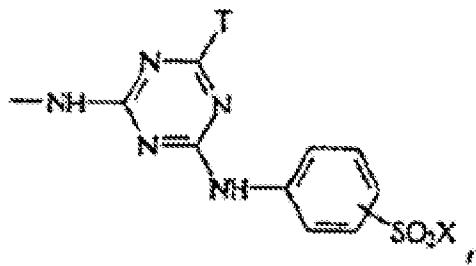
WO 0043455 teaches a reactive dye composition comprising (1) a reactive dye of the formula (III) or (IV)



or



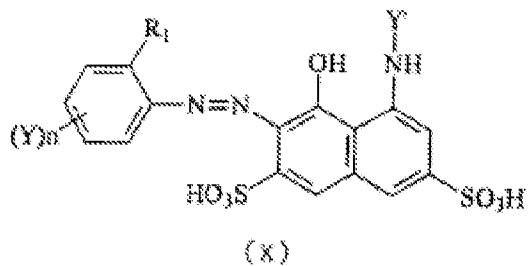
wherein Y and Y' each independently are $-\text{SO}_2\text{X}$, $-\text{NH-W}$ or



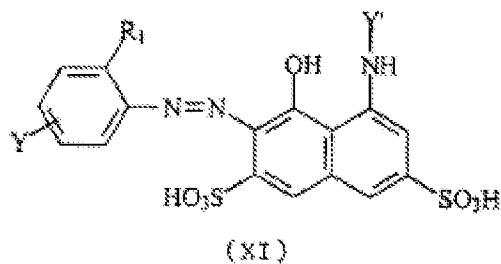
W is ; X is $-\text{CH}=\text{CH}_2$, $-\text{C}_2\text{H}_4\text{OSO}_3\text{H}$ or $-\text{C}_2\text{H}_4\text{Cl}$; T is $-\text{F}$ or $-\text{Cl}$; R5 is

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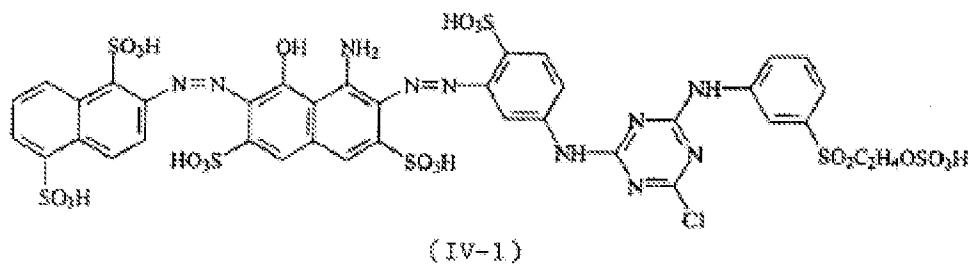
-Cl; R₁, R₂, R₃ and R₄, each independently is H, halogen, C₁₋₄ alkyl, C₁₋₄ alkoxy or sulfonyl groups and at least one of R₁, R₂, R₃ and R₄ is other than H and (2) a reactive dye of the formula (X) or (XI)



or

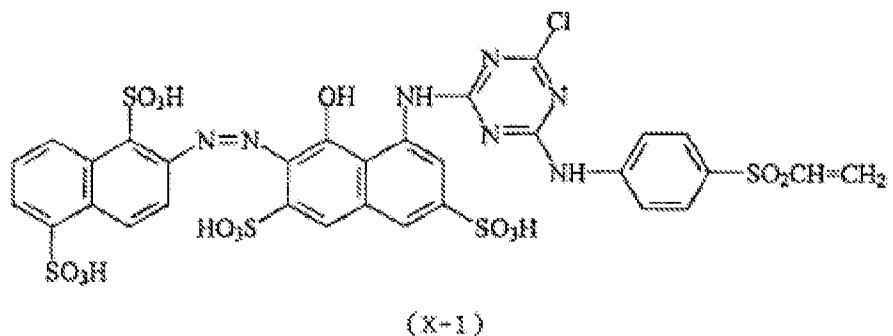


wherein Y, Y' and R₁ are defined above and n is 0, 1, 2, or 3. A specific example of the dye of formula (IV) is a dye of the formula (IV-1)

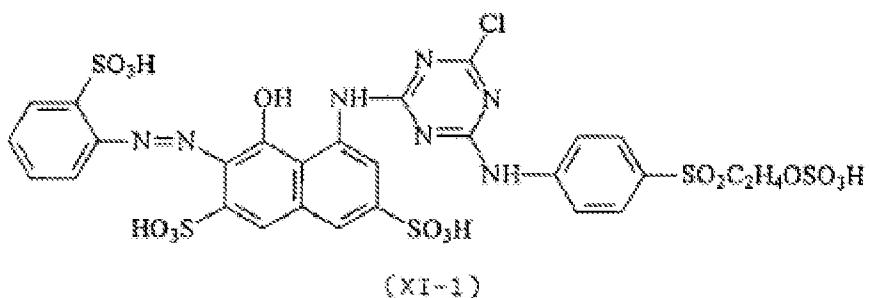


a specific example of the dye of the formula (X) is a dye of the formula (X-1)

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and a specific example of the dye of the formula (XI) is a dye of the formula (XI-1)



WO 00/43455 further teaches a process for printing textiles that contain a hydroxyl group or an amide group such as cellulose or cotton comprising applying the above reactive dye composition to the textile. See page 3, lines 5-17, page 4, line 22 - page 5, line 5, formula (III), formula (IV), page 6, lines 1-10, formulas (III-7), (III-8), (III-10)-(III-18), (IV-1)-(IV-5), page 13, lines 10-11, formula (X), formula (XI), page 15, lines 9 and 10, formulas (X-1)-(X-3), formula (XI-1), page 26, lines 9-15, examples 28 and 29, page 33, lines 4-9 and claims 1, 3, 6, 12, 14, 17, 31 and 32. The reactive dye composition as taught by WO 00/43455 appears to anticipate the present claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/43455.

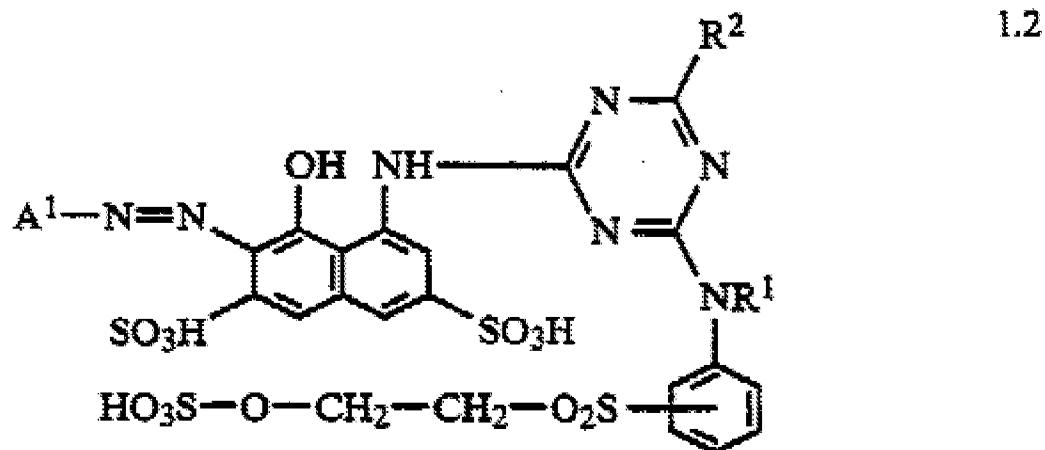
WO 00/43455 is cited and relied upon for the above stated reasons. WO 00/43455 fails to specifically exemplify a reactive dye composition comprising applicant's dye of formula (2a) as claimed.

Therefore, it would have been obvious to one having ordinary skill in the art to use the specific dye of formula (2a) as claimed by applicants as the dye of formula (XI) in WO 00/43455 as WO 00/43455 also discloses the use of these reactive dyes but fails to show an example incorporating them.

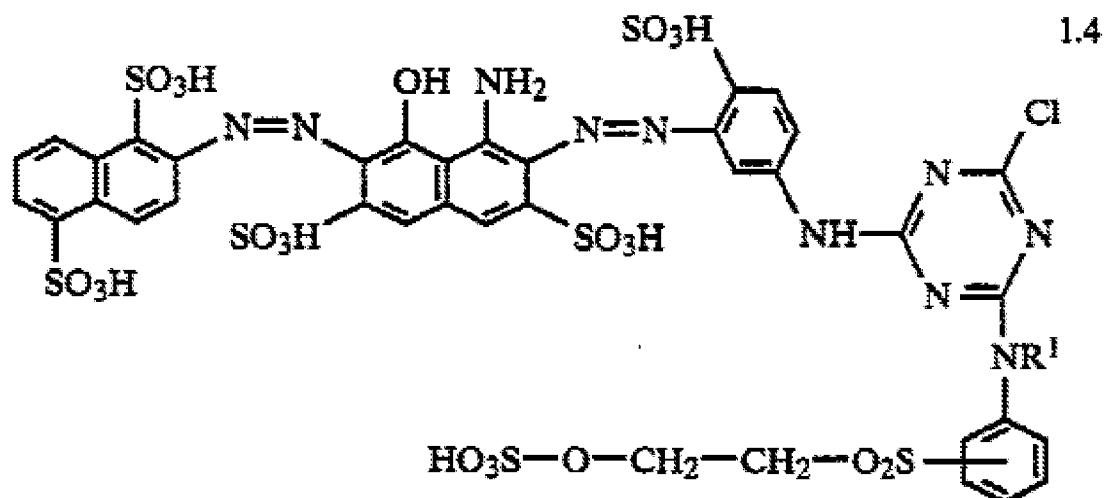
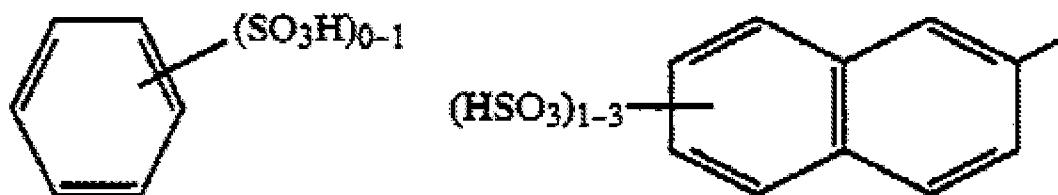
7. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwarz et al. (US 5,393,307).

Schwarz et al. teach a dyestuff mixture of at least two reactive dyes of the same hue comprising at least one vinylsulphonyltriazine dye of the formulas 1.2 and/or 1.4

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and/or

wherein A¹ is

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R¹ is H, CH₃, -CH₂CH₃ or -(CH₂)₂CH₃ and R² is Cl, and at least one monofluorotriazine dyestuff or fluorochloropyrimidine dyestuff of the formulas as disclosed. Schwarz et al. further teach a process for printing textiles such as cellulose or cotton comprising applying the above reactive dye composition to the textile. See col. 2, line 19 – col. 4, line 68, examples 2 and 5 and claims 1 and 6. Schwarz et al. fail to specifically exemplify the use of a mixture of the dyes of formula 1.2 and 1.4 as claimed by applicants.

Therefore, it would have been obvious to one having ordinary skill in the art to use the specific combination of the dyes of formula 1.2 and 1.4 as claimed by applicants as Schwarz et al. also discloses the use of these dyes and mixtures thereof but fails to show an example incorporating them (see specifically example 2).

Conclusion

The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Helene Klemanski/
Primary Examiner, Art Unit 1793